IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3801 OF 2006

Shyam Lal Jain .. Applicant
Versus
State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO.3802 OF 2006

Mallinath Siddappa Shrigani .. Applicant
Versus
State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO.3803 OF 2006

Sahebrao Atmaram Kajale .. Applicant
Versus
State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO.3804 OF 2006

Rajendra Pundalikrao Ingole .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Bulchandani with Ms.C.K.Bulchandani i/b. Kamal & Co., for applicant
Mr.Subhash Jha i/b. Law Global for applicant
Mr.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th October 2006

P.C.

. These applications for anticipatory bail are preferred by the applicants, some of whom are working with the erstwhile M.S.E.B. It appears that they were granted anticipatory bail on 14th July 2006 but by the order under challenge the same has been vacated.

2. Applicants are, therefore, apprehending arrest in connection with C.R.No.123 of 2006 which is registered at Taluka Police Station, Solapur, now transferred to Mohol Police Station, Solapur.

3. It appears from the record that there was

some contract between the Board and one private limited company M/s.Gilbert Company Pvt.Ltd. for supply of single phase meters. It further appears from the record that the meters were supplied, received at site and utilised partly. Some of the meters, it is alleged, were not as per the specifications stipulated by ISI and did not bear a mark and in such circumstances, a grievance was made with the company. The company entered into prolonged correspondence and it is brought on record that some of the meters were indeed replaced. It is essentially making allegations of the breach of obligation under the contract and supplying meters which were not of requisite standard that the F.I.Rs. have been lodged.

4. There is prolonged correspondence on record. The matter appears to be pertaining to documentary evidence essentially. It is not as if the documents cannot be seized or copies

obtained otherwise. It is also not the apprehension that the applicants would not be available for interrogation. In such circumstances and when the transaction was for a period and meters were supplied from time to time it would be appropriate if the applicants are granted anticipatory bail. There is prima facie substance in the contention of Mr.Bulchandani and Mr.Jha that the dispute, if any, is purely civil in nature. Hence, following order:-

i) In the event of the arrest of the applicants (1) Shyam Lal Jain (2) Mallinath Siddappa Shrigani (3) Sahebrao Atmaram Kajale and (4) Rajendra Pundalikrao Ingole in connection with C.R.No.123 of 2006 registered with Taluka Police station now Mohol Police Station, the applicants shall be enlarged on bail in the sum of Rs.10,000/-- with one or

two sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Mohol police station once in a month.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on

the merits of the case at the time of trial

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)